

1 H.256

2 Introduced by Committee on General, Housing and Military Affairs

3 Date:

4 Subject: Court procedure; commerce and trade; ejectment; property of tenant

5 remaining after eviction; discrimination; public accommodations;

6 rental and sale of real estate

7 Statement of purpose of bill as introduced: This bill proposes to permit a
8 landlord to dispose of a tenant's property remaining in a leased premises when
9 the landlord is legally restored to possession of the premises. This bill also
10 proposes to protect a person with disabilities from coercion, threats,
11 interference, or other discrimination while exercising his or her rights under
12 Vermont's fair housing and public accommodations law.

13 An act relating to disposal of property following an eviction, and fair
14 housing and public accommodations

15 It is hereby enacted by the General Assembly of the State of Vermont:

1 ~~Sec. 1. 12 V.S.A. § 4854a is amended to read:~~

2 § 4854a. PROPERTY OF TENANT REMAINING ON PREMISES AFTER
3 EVICTION

4 (a) A landlord may dispose of any personal property remaining in a
5 dwelling unit or leased premises without notice or liability to the tenant or
6 owner of the personal property:

7 (1) 15 days after a writ of possession is served pursuant to this chapter
8 or upon the landlord being legally restored to possession of the dwelling unit or
9 leased premises pursuant to this chapter, whichever is later; or

10 (2) in the case of an eviction brought pursuant to 10 V.S.A. chapter 153,
11 40 days after a writ of possession issued for failure to pay rent into court
12 pursuant to subsection 4853a(h) of this title is served or upon the landlord
13 being legally restored to possession of the leased premises by a writ of
14 possession issued for failure to pay rent into court pursuant to section 4853a of
15 this title, whichever is later.

16 (b) Notwithstanding subsection (a) of this section, if the court stays the
17 execution of a writ of possession issued pursuant to this chapter, then a
18 landlord may dispose of any personal property remaining in a dwelling unit or
19 leased premises without notice or liability to the tenant or owner of the
20 personal property ~~five days~~ one day after the landlord is legally restored to
21 possession of the dwelling unit or leased premises.

Sec. 1. 12 V.S.A. § 4854a is amended to read:

*§ 4854a. PROPERTY OF TENANT REMAINING ON PREMISES AFTER
EVICTION*

(a) A landlord may dispose of any personal property remaining in a dwelling unit or leased premises without notice or liability to the tenant or owner of the personal property:

(1) 15 days after a writ of possession is served pursuant to this chapter or upon the landlord being legally restored to possession of the dwelling unit or leased premises pursuant to this chapter, whichever is later; or

(2) in the case of an eviction brought pursuant to 10 V.S.A. chapter 153, 40 days after a writ of possession issued for failure to pay rent into court pursuant to subsection 4853a(h) of this title is served or upon the landlord being legally restored to possession of the leased premises by a writ of possession issued for failure to pay rent into court pursuant to subsection 4853a(h) of this title, whichever is later.

(b) Notwithstanding subsection (a) of this section, if the court stays the execution of a writ of possession issued pursuant to this chapter, then a landlord may dispose of any personal property remaining in a dwelling unit or leased premises without notice or liability to the tenant or owner of the personal property ~~five days~~ one day after the landlord is legally restored to possession of the dwelling unit or leased premises.

1 Sec. 2. 9 V.S.A. § 4506 is amended as follows:

2 § 4506. ENFORCEMENT; CIVIL ACTION; RETALIATION PROHIBITED

3 * * *

4 (e) Retaliation prohibited. A person shall not coerce, threaten, interfere, or
5 otherwise discriminate against any individual ~~because that individual:~~

6 (1) who has opposed any act or practice that is prohibited under section
7 4502 or 4503 of this title;

8 (2) who has lodged a complaint or has testified, assisted, or participated
9 in any manner with the Human Rights Commission in an investigation of acts
10 or practices prohibited by ~~chapter 139 of this title~~ this chapter;

11 (3) who is known by the person to be about to lodge a complaint, testify,
12 assist, or participate in any manner in an investigation of acts or practices
13 prohibited by ~~chapter 139 of this title~~ this chapter;

14 (4) who is exercising or enjoying a right granted or protected by this
15 chapter; or

16 ~~(4)~~(5) who is believed by the person to have acted as described in
17 subdivisions (1) through ~~(3)~~(4) of this subsection.

18 ~~Sec. 3. EFFECTIVE DATES~~

19 ~~(a) Sec. 1 shall take effect on July 1, 2015.~~

20 ~~(b) This section and Sec. 2 shall take effect on passage.~~

Sec. 3. EFFECTIVE DATES

(a) Sec. 1 shall take effect on July 1, 2015, and shall apply to ejectment actions beginning on or after that date.

(b) This section and Sec. 2 shall take effect on passage.